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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,599	04/27/2006	Ludwig Hasemann	2003CH013	5331
25255 7590 04/01/2009 CLARIANT CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 4000 MONROE ROAD CHARLOTTE, NC 28205				
EXAMINER				
POWERS, FIONA				
ART UNIT		PAPER NUMBER		
1626				
MAIL DATE		DELIVERY MODE		
04/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,599

Applicant(s)

HASEMANN, LUDWIG

Examiner

Fiona T. Powers

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claims 1 to 10 are pending in the application.

Receipt is acknowledged of the preliminary amendment filed April 27, 2006, which has been entered in the file.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

No information disclosure statement has been filed in the application.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 to 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Throughout claim 1, in the definition of Y, an "or" should be inserted between "HOSO₃-" and "halogen-substituted". There are four instances where the correction should be made.

In claim 3, in the definition of M, an "or" should be inserted between "carboxyl," and "hydroxyl".

In claim 3, the last line states that X_1 and X_2 are as defined above. However, X_1 and X_2 are not defined above in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

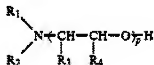
Claims 1 to 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaser (US 5211719), cited in view of Breton et al. (US 5129948), cited.

Determination of the scope and content of the prior art (MPEP §2141.01)

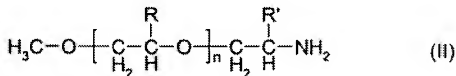
Kaser discloses concentrated aqueous solutions that are similar to those claimed that are used for dyeing and printing paper and textile materials such as cellulose. The dyes used in the concentrated aqueous solutions of Kaser are the dyes of instant formula I wherein D is a radical of the formula (a); M is an unsubstituted or substituted phenyl; B is hydrogen or an unsubstituted aryl radical; and n is 1. Note column 3, lines 1 to 10 and the Examples of Kaser.

Ascertainment of the difference between the prior art and the claims (MPEP §2141.02)

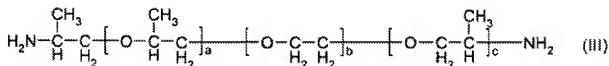
The concentrated aqueous solutions of Kaser differ from those claimed only in that a different polyglycol amine is used. Kaser uses polyglycol amines of the formula



whereas in the claimed concentrated aqueous solutions, at least one polyalkeneamine of the formula



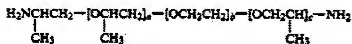
or



is used.

Finding of prima facie obviousness---rational and motivation (MPEP §2142-2413)

Breton et al. disclose inks for ink jet printing that contain a liquid carrier, a colorant, and may contain a primary or secondary polyalkylene amine, for example of the formula



. The polyalkyleneamines of this formula are encompassed by Formula (III) of the instant claims. Note column 2, lines 25 to 49; column 4, lines 4 to 66;

column 5, lines 7 to 52; and Table A in column 10. Breton et al. disclose that the addition of the primary or secondary polyoxyalkylene amine "reduces the drying time of the ink compositions while maintaining good print quality" (column 2, lines 25 to 35).

One of ordinary skill in the art would have been motivated to substitute the primary or secondary polyoxyalkene amines of Breton et al. for the polyglycol amines in the concentrated aqueous dye solutions of Kaser with the expectation that the dye qualities would be improved. It would have been obvious to one of ordinary skill in the art to combine the teachings of Kaser and Breton et al. since the dye-containing compositions of both are used to dye or print paper. The claimed concentrated aqueous dye solutions, ink jet inks, hydroxyl-containing substrate or paper and process of dyeing and/or printing would have been rendered obvious by the teachings of the references in the absence of any unobvious or unexpected property or result.

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fiona T. Powers whose telephone number is 571-272-0702. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fiona T. Powers/
Primary Examiner, Art Unit
1626

ftp
March 29, 2009